

3 1761 11713991 5

CA1  
YL16  
- P66

Government  
Publication

Political parties and  
parliamentary recognition







CA1  
Y416  
- P66

Background Paper

BP-243E

**POLITICAL PARTIES AND  
PARLIAMENTARY RECOGNITION**

James R. Robertson  
Law and Government Division

August 1990  
*Revised August 1996*



Library of  
Parliament  
Bibliothèque  
du Parlement

**Research  
Branch**

The Research Branch of the Library of Parliament works exclusively for Parliament, conducting research and providing information for Committees and Members of the Senate and the House of Commons. This service is extended without partisan bias in such forms as Reports, Background Papers and Issue Reviews. Research Officers in the Branch are also available for personal consultation in their respective fields of expertise.

©Minister of Supply and Services Canada 1996  
Available in Canada through  
your local bookseller  
or by mail from  
Canada Communication Group -- Publishing  
Ottawa, Canada K1A 0S9

Catalogue No. YM32-2/243-1996-08E  
ISBN 0-660-16794-8

CE DOCUMENT EST AUSSI  
PUBLIÉ EN FRANÇAIS





CANADA

LIBRARY OF PARLIAMENT  
BIBLIOTHÈQUE DU PARLEMENT

## **POLITICAL PARTIES AND PARLIAMENTARY RECOGNITION**

### **INTRODUCTION**

This paper reviews the recognition of political parties in the Canadian House of Commons. It begins with a brief historical overview of parties in the House, including their role and significance. It then discusses official recognition of parties, special allowances and benefits available to them and their leaders, allocation of time among parties during Question Period and debate, location of seats in the chamber and access to office space and parliamentary services. These issues, among others, have arisen on a number of occasions in recent years. A concluding section summarizes recent developments.

It must first be noted that this is a rather obscure area of parliamentary law and practice with few precise rules. Much depends upon parliamentary tradition and practice, in which precedents are of some persuasive value, but are by no means determinative. A quick review of parliamentary history makes it apparent that there is a large element of pragmatism and political expediency involved: much depends on the particular circumstances, the relations between the parties, and so forth. Decisions to accord official recognition are often made on an *ad hoc* basis. In addition, the benefits flowing from recognition used to be relatively minor, and this no doubt accounts in part for the lack of discussion of the issues until recently.

A second point to be borne in mind is that political parties can be recognized for certain purposes, and not for others. In other words, recognition is not a single act: different criteria and considerations will apply depending on the particular issue involved or its implications. At the same time, recognition for one purpose adds credibility and provides assistance in arguing for recognition for others.

A related issue is the importance of identifying the decision-making authority involved for any particular issue, and the amount of its discretion. Statutory provisions can be amended only by Parliament, while regulatory provisions may be amended by the Governor in Council or other governmental authority. There are, at the other extreme, administrative decisions that are much more flexible and easy to change. With respect to the recognition of political parties in the House of Commons, there are decisions of the Speaker and of the Board of Internal Economy (the "Board"), and decisions of the full House.

A further cautionary note needs to be raised. It is only recently that political parties have acquired legal status in Canada.<sup>(1)</sup> With the enactment of a new *Canada Elections Act* in 1970, provision was made for the first time for the registration of political parties. Amendments in 1974 expanded on this to allow for the tax deductibility of donations, the reimbursement of certain election expenses, and the provision of broadcasting time. None of these arrangements is directly relevant to the recognition of political parties in the House of Commons; however, the failure to register as a party may provide arguments against extending certain privileges or benefits.

There is no single accepted definition of what constitutes a "political party," but the fact that a party has complied with the registration procedure, has a constitution and duly-elected executive, and so forth, could add weight to its claim to be recognized. While British parliamentary history rests on loose political groupings, rather than modern political parties, virtually all the recent Canadian cases have involved well-established and formally-constituted parties. Indeed, the longevity and history of parties has often been used to buttress their claims that they should have certain rights and privileges, and that they should be recognized. In 1963, the Speaker also suggested that a distinction might be drawn between political parties that contest an election, and those that are formed subsequently.

---

(1) See John C. Courtney, "Recognition of Canadian Political Parties in Parliament and in Law," *Canadian Journal of Political Science*, XI:1, March 1978.



## HISTORY OF POLITICAL PARTIES IN CANADA

It is beyond the scope of this paper to engage in a detailed history of the development of political parties in the Canadian House of Commons. It is sufficient to note that the concept of a political party is a relatively recent phenomenon. Parliamentary systems based on the British model have traditionally neither acknowledged parties in their operations nor recognized them as entities for legal purposes. This, of course, has not accorded with reality: since the 1870s, at least, governments have been formed by, opposed by, and defeated by political parties, most of which imposed a considerable amount of discipline and loyalty on their members.

The traditional nineteenth century view of Parliament revolved around a two-party system. To some extent, this reflected the pre-eminence of two major parties. It also accorded with the parliamentary concept of a government and an opposition, and with the physical layout of many legislative chambers. Canada was the first Commonwealth jurisdiction officially to recognize the position of Leader of the Opposition. Even then, it was not the Opposition party, but the Leader, who was being recognized. As late as 1944, the Prime Minister could argue that in consulting the opposition, he was obliged only to deal with the Leader of the Opposition, not with the leaders of the other parties: "If the opposition wish to be divided into groups, that of course is their own affair."<sup>(2)</sup>

In Canada, it was not until 1896 that Members were elected who were not Liberals or Conservatives. Even then, such Members were considered something of an aberration until the 1920s, when members of other parties, as opposed to independent Members, started to be elected in sufficient numbers and with sufficient support and credibility to affect the system. In the 1930s, the Social Credit and Commonwealth Cooperative Federation (CCF), the predecessor of the NDP, became established. By the early 1960s, it had become clear that smaller parties were a fact of parliamentary life.

---

(2) House of Commons, *Debates*, 16 February 1944, p. 554. Mr. Mackenzie King had also argued forcefully against any recognition to third parties in 1940: see *Debates*, 15 November 1940, p. 132-135.



The 1963 federal election marked the fourth election in six years, and in only one of these elections had a majority government been elected. Minority governments rely upon smaller parties for support, and it was in this context that official recognition was first extended to smaller political parties. The government proposed and won support for an amendment to the *Senate and House of Commons Act* that granted, for the first time in Canadian history, party leaders other than the Prime Minister and the Leader of the Opposition an additional annual allowance. The definition of what was to constitute a "political party" was the critical element: according to the amendment, only those Members who led a party with a "recognized membership of 12 or more persons in the House of Commons" would be entitled to receive the additional stipend of \$4,000 per annum.

It appears that the minority situation in which the new Liberal government of the day found itself provided the major motivation for the proposal to grant allowances to the leaders of smaller parties. Since either or both of the Social Credit and the NDP could ensure the government's survival on crucial votes, there was a clear incentive to keep them happy. It is also relevant that the Social Credit and the CCF/NDP had 24 and 17 MPs, respectively, and both parties had existed for over 30 years. It was generally accepted that the leaders of these parties had responsibilities over and above those of other Members, and there was, therefore, little difficulty in justifying the new allowances.

The requirement that a party must have at least 12 members before being recognized appears to have been chosen by the government without consultation with the opposition parties.<sup>(3)</sup> None of the other parties objected to the proposal when it was presented, but the idea did not originate with them. Twelve members represented, more or less, the long-term average parliamentary representation of the CCF/NDP and the Social Credit. Presumably, there was a concern that too low a number would lead to a proliferation of parties, such as was the case in several European countries. In 1944, Prime Minister Mackenzie King had expressed reservations that "any number of hon. gentlemen may suddenly

---

(3) Courtney (1978), at p. 39.



become leaders of parties, whether small in number or not and claim special rights and privileges in this house.”<sup>(4)</sup>

In any event, within a few weeks of the 12-member requirement being enshrined in legislation, the Social Credit Party split into the Ralliement des Créditistes with 13 members and the western-based Social Credit Party with the remaining 11. Apparently, the Government House Leader later admitted that he should have made sure that the requirement was for 10 members, so that allowances could have continued to be paid to the Social Credit members.

The Canadian Parliament had had smaller parties prior to 1963. Until this date, however, there had been no magic number. Indeed, the recognition of political parties was not a major or practical concern. Parliamentary procedure and tradition, as noted above, had been based on the “non-existence” of political parties, being premised on the notion of individual Members acting independently and alone. In the absence of a prescribed minimum number of Members that a party had to have, matters tended to be worked out behind the scenes, and on an *ad hoc* basis. There appear to have been few, if any, debates or Speakers’ rulings on the issue in the House of Commons.

It should be noted that when the number 12 was chosen in 1963, there were 265 Members of the House of Commons. Today, the election of 12 Members continues to be the main criterion for party recognition, although the House of Commons in 1996 has 295 Members, and will be expanded to 301 after the next federal general election.

The requirement for 12 members was originally introduced solely in the context of allowances for party leaders; it does not appear to have been intended for any other purposes. According to John C. Courtney, technically the 12-member threshold in the 1963 statute and parliamentary procedure had nothing to do with one another “... yet the timing of the event was virtually certain to produce a combination that would lead to the injection of the phrase ‘recognized membership of 12 or more persons in the House of Commons’ into future debates over regulations and statutes dealing with political parties. The term, indeed more

---

(4) House of Commons, *Debates*, 16 February 1944, p. 554.



specifically the number, would gradually assume an authenticity of its own.”<sup>(5)</sup> In the years since 1963, the perquisites available to opposition parties have increased and improved as discussed below.

## THE PARLIAMENT OF CANADA ACT

The *Senate and House of Commons Act* is now embodied in the *Parliament of Canada Act*. This is the main piece of legislation that deals with Parliament, but it is far from complete. The Act is antiquated, and has been amended sporadically over the years.

The main provision relevant for the present purposes is that which prescribes that an additional allowance will be paid to the leaders of certain political parties. Section 62 provides:

...[T]here shall be paid, in addition to the sessional allowances that are payable,...

(b) to each member of the House of Commons, other than the Prime Minister or the member occupying the position of Leader of the Opposition in the House of Commons, who is the leader of a party that has a recognized membership of twelve or more persons in the House, an annual allowance of eighteen thousand six hundred dollars.

The wording here is awkward, as it refers to the “recognized membership” of a party, rather than constituting a definition of a “recognized party.”

Section 62(d) and (f) provide for additional allowances for the Whip and House Leader, respectively, of a party that has a recognized membership of 12 or more persons in the House of Commons. Section 67 of the Act goes on to provide that these allowances are indexed on the same basis as sessional allowances for Members. The *Parliament of Canada Act* also provides in section 50(3) for the establishment of a Board of Internal Economy for the House of Commons, to be composed of representatives of the government and opposition

---

(5) Courtney (1978), p. 38.



parties; again, however, these include only parties with a “recognized membership of twelve or more persons in the House of Commons.”

Other statutes have borrowed the same definition of recognized political parties. For example, the *Canadian Security Intelligence Service Act* provides that the members of the Security Intelligence Review Committee shall be appointed after consultation with “the Leader of the Opposition and the leader in the House of Commons of each party having at least twelve members in that House” (section 34(1)). On the other hand, the *Canadian Institute for International Peace and Security Act* merely provides that appointments be made after consultation with the Leader of the Opposition and the “leader of every other recognized party in the House of Commons,” thereby avoiding any reference to the 12-member requirement.

## PROCEDURAL MATTERS

### A. Statements by Ministers

Shortly after the introduction of leaders’ allowances in 1963, the Standing Orders of the House of Commons were changed so as to recognize the right of “a spokesman for each of the parties in opposition to the government” to comment briefly in reply to a Minister’s statement on motions to the House. Early in 1966, the argument was made by the Progressive Conservative members of the opposition that the new Standing Order should be interpreted in the light of the 1963 amendment to the *Senate and House of Commons Act*. In other words, it was urged that only “recognized” political parties -- those with 12 or more Members -- should be entitled to avail themselves of the rule. This would have had the effect of barring representatives of the Social Credit and Créditiste parties, since the parliamentary membership of these parties had been reduced to five and nine Members, respectively, after the 1965 general election.

The Speaker rejected the Conservative argument, pointing out that at least as far back as 1951, Speakers had accepted the principle that one spokesman for each opposition party would be allowed to comment on Ministers’ statements. He noted that the practice had been referred to in the fourth edition (1958) of *Beauchesne’s Parliamentary Rules and Forms*.



The Speaker felt that the House should, in general, be guided not so much by the literal construction of the Standing Orders as by what had been its practice for some years. Unless the House was prepared to define more precisely the right to comment on ministerial statements, the Speaker ruled that such a right should be accorded to the Leader of the Official Opposition and, in his words, to “spokesmen for the New Democratic Party, the Ralliement Crédistes and the Social Credit Party,” but not to “independent members.”<sup>(6)</sup> The Speaker’s ruling was accepted without challenge or argument by the House.

The relevant rule is now contained in Standing Order 33(1). The House has never taken up the Speaker’s suggestion that it define more precisely the right to comment on ministerial statements. The practice of granting speaking privileges to representatives of each of the smaller parties in the House was codified in the Standing Orders after it had emerged as an acceptable practice in the operations of the House. The fact that it developed prior to the 1963 amendment was relevant, and the custom and practice that preceded the enactment of the rule influenced its interpretation. The decision of the Speaker distinguished the procedural rule from the statutory definition pertaining to recognition, and thus illustrates that the definition in what is now the *Parliament of Canada Act* is not determinative for all purposes.

The practice in more recent years, however, has been for the Speaker to recognize only Members belonging to parties with 12 or more members as able to respond to ministerial statements. There have been occasions, however, where representatives of smaller parties have been allowed to comment.

## B. Question Period and Debate

The question of recognition of political parties for purposes of debate and Question Period does not have a simple answer. In 1979, during the Progressive Conservative minority government, the Prime Minister introduced a motion to establish a striking committee. The Créditiste Party, with six Members in the House, was not represented on the committee, and proposed an amendment that one of its members be included. After a brief

---

(6) House of Commons, *Debates*, 18 February 1996, p. 1434-1435; see also *Selected Decisions of Speaker Lucien Lamoureux*, 1966-1974, Ottawa, 1985, p. 156.



debate, the amendment was defeated by a recorded vote. The Speaker considered himself bound by this vote, in light of debate that had preceded it. When the Cr ditistes complained the next day that their leader had not been recognized appropriately in the debate on the Throne Speech, the Speaker ruled that, notwithstanding the precedents, the vote restricted his actions: "As far as the consensus reached in this House yesterday is concerned, I could not reverse it and give the Social Credit Party of Canada a status in the House which it has been denied by a formal decision..."<sup>(7)</sup> Upon later consideration, he affirmed that he "had to regard it as binding upon me as a declaration of the House up to this point ... I do not have the power, by any means, to change that decision or to reflect in any way on the decision of the House."<sup>(8)</sup> Accordingly, the leader of the Cr ditistes was to be treated no differently from any other private Member.

The Speaker has considerable discretion in relation to the recognition of Members in the House of Commons. He is, nonetheless, bound by past practice and tradition, and previous rulings and precedents; moreover, as the 1979 case shows, as the servant of the House, he is bound by express decisions of the House.

The allocation of questions in Question Period is made roughly on the basis of the proportion of Members belonging to the opposition parties. There is a fair amount of planning and consultation among the party leaders, although the Speaker retains ultimate control and discretion. There is certainly nothing to prevent the Speaker from permitting members of any party to ask questions during Question Period, but there are few, if any, rules or policies governing such matters.

With respect to participation in debate, all Members of the House of Commons are entitled as of right to participate in debates, subject only to the general rules of the House. The only issue that could arise involves the order of speaking, as party leaders and representatives often speak in a particular order and at specified times. The Standing Orders

---

(7) House of Commons, *Debates*, 10 October 1979, p. 49.

(8) House of Commons, *Debates*, 11 October 1979, p. 69.



generally provide for only the Prime Minister and Leader of the Opposition (and not the leaders of other parties) to have unlimited speaking time.<sup>(9)</sup>

Again, a great deal of negotiation and consultation takes place regarding debates, and the number and order of speakers. Indeed, it would appear to be in the government's interests to attempt to secure cooperation of all opposition members in order to prevent undue delay or obstruction. There is considerable scope for Members of the House to employ the rules and procedures to the detriment of the business of the House; a great deal of the work and operation of the House of Commons depends upon cooperation and negotiation.

### C. Committee Membership

Representation on committees is another relevant issue for political parties. Generally, membership is in proportion with the representation of the parties in the House of Commons. Problems can arise for smaller parties and independent Members. Generally, in recent years, members of parties with fewer than 12 MPs have not been appointed to standing or legislative committees. This is, no doubt, partly due to the large number of committees and committee meetings, and the difficulties that smaller parties would have in providing Members to attend them; in some cases, such appointments would also affect the proportional membership of committees. Members of unrecognized parties, and independents have more frequently been appointed to sit on sub-committees, and, on occasion, on joint and special committees.

Amendments to the Standing Orders in 1994 introduced the concept of "associate members" for standing committees. Independent Members and members of small parties appointed as associate members have been allowed to receive notices of committee meetings, to serve on sub-committees, and to act as replacements or substitutes for permanent members of committees (although this is very rare).<sup>(10)</sup>

---

(9) See House of Commons Standing Orders 50(2), 84(7), 101(3), and 43.

(10) Standing Order 104(4).



## ADMINISTRATIVE MATTERS

### A. Research Budgets

In 1968, the Liberal government, after consultations with the leaders of the opposition parties in the House of Commons, announced that funds would be made available to the officially recognized opposition parties -- those with 12 or more Members -- for research purposes. The purpose of these funds was to enable the parties in opposition to criticize government legislative measures more effectively. The funds were designed to enable the opposition parties to hire staff, contract for services of individuals, and use the technical facilities available to the House, such as printing services.

The first "research budget" was approved for the fiscal year commencing 1 April 1969. The original idea seemed to be that these funds would be used to assist the leaders of the opposition parties. It was subsequently determined that research services would be made available to assist the party caucuses, and individual party Members as well. It is clear that the original purpose of opposition research budgets was to assist the opposition parties in carrying out their roles more effectively. Given the resources and expertise available to the government, it was believed that opposition parties should have access to some research services of their own, albeit on a limited scale.<sup>(11)</sup> Since 1979, the party forming the government has been included in the allocation of research budgets.

The research budgets and criteria for funding are determined by the Board of Internal Economy and are included in the Estimates of the House of Commons. The funds assigned to each party are related to the respective number of seats held by that party following a general election, although recently the base or formula for such calculation has been adjusted somewhat. The amount of the annual budget is generally not adjusted during a Parliament to reflect changes due to by-elections or other vacancies in the House, although budget levels are adjusted annually to reflect increases to the cost of living.

---

(11) See Edwin R. Black, "Opposition Research: Some Theories and Practice," *Canadian Public Administration*, 15 (1972), 26.



The basic rules for the allocation of research funds have changed over the years to reflect political realities and considerations. The Board of Internal Economy has the power to waive its requirements in particular cases, or to change the criteria. In the 1974 general election, the Cr ditistes were reduced to 11 Members, and, therefore, failed to qualify for a research bureau allocation; nevertheless, they continued to receive research funds.

## **B. Accommodation and Seating Arrangements**

The office accommodation of Members within the parliamentary buildings is largely a matter for negotiation among the party Whips and the Sergeant-at-Arms. Seating in the House of Commons has, traditionally, been a more contentious matter.

Following the split of the Social Credit Party in 1963, the issue of the seating of the opposition parties arose. The Cr ditistes had 13 Members, while the Social Credit Party retained 11. With 17 MPs, the New Democratic Party made a claim to be seated next to the official opposition and to be granted speaking privileges in the House in keeping with its new-found status as the third largest party in the House. The Social Credit Party, with fewer members than the Cr ditistes and a parliamentary representation too small to entitle its leader to the additional allowance, nonetheless claimed speaking and seating priority over the Cr ditistes on the grounds of historical precedence. The Speaker chose not to become involved: he made it clear that "recognition" of a political party was the Members' responsibility. "To my mind," he stated, "this is a question for the House to decide." He continued:

I cannot conclude this statement without some reference to the significance of these events for the future of the definition and status of parties in this house. It is not my place to evaluate the significance of these matters for the future of the ever-changing structure and character of political parties; yet it is my duty, I believe, to bring to the attention of the house the novel character of the situation now before it, and more particularly the payment of allowances and the effect on the organization of Parliament and parties and of the work of this house that naturally must be reflected by the emergence from time to time of new groups that invite the house to accord them the status of parties. Profound

constitutional questions arise; for example, can a group of members which did not exist as a party at the time of the election of a parliament be recognized as a party before it has submitted itself to the electorate?<sup>(12)</sup>

### C. Other Services and Facilities

A multitude of other services and facilities are available on Parliament Hill. Many of these services are available to Members of Parliament generally; that is, any Member, whether affiliated with a political party or not, or whether affiliated with a party that is recognized or one that is not, can avail him or herself of such services, merely by virtue of being an MP.

There are, however, some facilities and services that are made available primarily to "recognized political parties." Access to these appears to be primarily an administrative matter, under the direction of the Speaker or the Board of Internal Economy. Consultation with the House authorities and representatives of the other political parties appears to be the appropriate route. Other than rulings on party research budgets, there do not appear to have been any Speakers' rulings specifically dealing with such matters.

### OTHER JURISDICTIONS

It is relevant to review briefly the practice in various provincial jurisdictions. In Manitoba, for example, special allowances are provided to a leader of a "recognized opposition party," which is defined as "the members of the assembly who belong to a political party that is represented in the assembly by four or more members."<sup>(13)</sup> This provision of the *Legislative Assembly Act* was added in 1970, a year following the Manitoba provincial election in which the NDP had won 28 seats, the Progressive Conservatives 22, and the Liberals 4.

In Quebec, the laws governing leaders' allowances were changed to include a provision regarding the percentage of popular vote obtained by a party in an election, as an

---

(12) House of Commons, *Debates*, 30 September 1963, p. 3008-3009.

(13) Manitoba, *Legislative Assembly Act*, R.S.M. 1970, c. L-110, s. 61(1), (2), (6).



alternative criterion to the number of seats won by a party. A minimum of 20% was established. This was done to accommodate the Parti Québécois, whose six seats in 1970 and seven in 1973 (out of more than 100 seats in the National Assembly) scarcely reflected its 12% and 30% of the popular vote in the elections of those two years. Following the 1976 Quebec election, the law was again altered to accord certain privileges to the Union Nationale, which had fallen short of the 12 seats and/or 20% vote needed to acquire party status in the National Assembly; this rule change was specifically stated to be in effect only until the next election.

In the 1989 Quebec election, the Equality Party elected four members to the National Assembly. The party, which was a registered political party, was not "recognized" within the National Assembly as an opposition party as it did not have the required 12 members, and nor had it received at least 20% of the popular vote. Nevertheless, it was acknowledged as a "political formation" within the Assembly and as such was given certain privileges, including research funds, and the right to sit on commissions. A member of the party was usually allowed one question at the end of Question Period every other day.

Brief reference should also be made to the situation in New Brunswick, where the Liberals won all 58 seats in the legislature in the 1987 provincial election. The province's *Political Process Financing Act* provides for the public funding of parties with representation in the Legislative Assembly. The government rejected the requests of the Conservatives and the NDP for funds to be used at their discretion, and instead provided other facilities and services, including office space, use of the Legislative Library, the right to take notes of legislative proceedings from the public gallery, representation on the Legislative Administration Committee, permission to submit written questions to the Public Accounts Committee, and participation in legislative committees.<sup>(14)</sup> Subsequently, additional rights and services have been extended to the unrepresented opposition parties.

---

(14) See Stewart Hyson, "Where's 'Her Majesty's Loyal Opposition' in the Loyalist Province?" *Canadian Parliamentary Review*, Summer 1988, p. 22-25.

## RECENT DEVELOPMENTS

Issues relating to party recognition have been much to the forefront of the Canadian House of Commons in recent years. After the 1988 federal election, disaffected members of the Progressive Conservative and Liberal Parties defected to form the Bloc Québécois, which initially was a “movement” or informal grouping rather than a political party *per se*. It was later registered under the *Canada Elections Act*, and a representative of the party was subsequently elected in a 1990 by-election. Until the 1993 general election, the party did not have more than eight members, and it was argued that most of its members had been elected as representatives of other parties. The fact that the party had been established for the purpose of taking Quebec out of Confederation undoubtedly affected public and political attitudes towards it.

The 1993 general election saw the parliamentary representation of two traditional parties reduced to below 12 Members: the Progressive Conservatives ended up with two MPs, and the New Democratic Party with nine. These parties had been long established and represented in the House of Commons, and had, especially the Progressive Conservative Party, garnered substantial voter support in the election.

These developments led to a number of questions of privilege and debates in the House over the recognition of political parties and the rights and privileges to be accorded them.

In 1990, the Bloc Québécois request for research funds and funds for its leader was rejected by the Board of Internal Economy. One of its members made an impassioned case in the House for additional funding, but the Speaker rejected this, noting that the members of the Bloc Québécois were entitled to same resources and support as all other Members of the House.<sup>(15)</sup>

At the same time, a Member who had left the Progressive Conservative caucus to sit as an independent wished to be known as and registered in the records as “Independent Conservative.” The Speaker ruled that he could find no legal impediment to doing this, and

---

(15) House of Commons, *Debates*, 13 December 1990, p. 16703-4.



directed that the Member be listed as an Independent Conservative in the weekly Appendix to the *Debates*, in the Appendices to the bound volumes of *Debates* and *Journals*, and in any documents or circumstances consequential to those Appendices.<sup>(16)</sup> This ruling was also applied to members of the Bloc Québécois and other parties with fewer than 12 MPs.

In 1994, the Member for Winnipeg Transcona, Mr. Bill Blaikie, raised as a question of privilege the recognition and status of the New Democratic Party. Arguing that he was not questioning financial matters as set out in the *Parliament of Canada Act*, Mr. Blaikie canvassed various precedents and arguments regarding convention and practice as to why the Speaker should exercise his discretion to recognize and give certain rights to the members of the NDP.<sup>(17)</sup>

In his ruling on 16 June 1994, the Speaker, Gilbert Parent, indicated that it was up to the House to decide or to give him guidance with respect to the recognition of smaller parties. While the Chair has a responsibility to protect the rights of members of small parties, the status of minority parties in the House has always been determined in general by the political makeup of the House. In response to NDP claims to more opportunities to ask questions in the House, the Speaker noted that in the latest two-month period, Members not belonging to a recognized party had participated almost every day during the period reserved for Members' Statements and, on average, every other day during Question Period. He pledged to continue to facilitate fair and active participation of all Members in the work of the House, but did not believe that he should act unilaterally or change practices without direction from the House. The Speaker was, however, prepared to make modifications to the seating arrangements in the House, by directing that the members of the NDP and Progressive Conservative Party be seated together, with the precedence of their respective leaders determining their place in the sequence.<sup>(18)</sup>

As Mr. Blaikie subsequently wrote, where the Speaker felt he had autonomy, on the seating plan, he agreed to make changes. On other matters, however, where the Speaker

---

(16) *Ibid.*, p. 16705-6.

(17) House of Commons, *Debates*, 1 June 1994, p. 4703-9.

(18) House of Commons, *Debates*, 16 June 1994, p. 5437-40.

saw himself as the servant of the House, Mr. Blaikie felt that Mr. Parent had not addressed some of the central issues that he had raised, including the significance and interpretation of the 12-Member requirement in the *Parliament of Canada Act*, the Speaker's role in protecting the rights of minorities, and the frequency with which minority parties are recognized in Question Period. Mr. Blaikie believes that the effect of the ruling will be that the treatment of the Bloc Québécois in the 34th Parliament will be used as the benchmark for Speakers' future treatment of small parties.<sup>(19)</sup>

## CONCLUSIONS

As the above brief discussion illustrates, there are few hard and fast rules about the recognition of political parties by the Canadian House of Commons. The 1963 amendment to what is now the *Parliament of Canada Act* introduced the notion that only groups with 12 or more Members would be recognized. As it is virtually the only "definition" of what constitutes a recognized political party, this requirement for 12 Members has been used for other purposes and imported into other situations. It should be remembered, however, that the Act is concerned primarily with additional allowances for party leaders.

At an early point, the 1963 legislation regarding allowances became intermingled with procedural claims pertaining to speaking privileges and seating order, though technically the matters had nothing to do with one another. It was the timing of the events that led to the injection of the phrase "recognized membership of twelve or more persons in the House of Commons" into future debates over regulations, statutes, and policies dealing with political parties. The term or, more specifically, the number would gradually assume an authenticity of its own.

Other political parties and movements existed prior to 1963. As perquisites available to opposition parties, such as additional allowances and research budgets, however, have increased, so too have the disputes and controversies over recognition. Non-monetary

---

(19) Bill Blaikie, "Reflections of the Speaker's Ruling," *Canadian Parliamentary Review*, Autumn 1994, p. 36.



matters, such as seating arrangements in the House of Commons and recognition of speakers in debate, are of more long-standing interest, but it would appear that they have generally been resolved by negotiation and consultation among the parties.

Recognition can be accorded for certain purposes, and not for others. It is not an “all or nothing” concept. There is a large element of pragmatism and common sense involved in any successful resolution of these issues. The 1963 issue of seating arrangements, like many other less contentious issues before and since, was resolved on a purely *ad hoc* basis through the adoption of a parliamentary committee’s recommendations based on a combination of the NDP and Social Credit claims. As one commentator has observed: “The pressures of the moment were relieved, but beyond acknowledging the pre-eminence of the House in such matters and tacitly accepting the challenge to resolve each issue of ‘recognition’ on its own merits, no long-term solution was given to the matter by Members of Parliament.”<sup>(20)</sup>

As the 1963 Speaker’s ruling regarding seating demonstrated, the “recognition” of a political party is a matter for the House to decide. The Speaker and the Board of Internal Economy have a certain amount of discretion, and many things can be worked out administratively and informally among Members. The most recent Speaker’s ruling on the issue, in June 1994, confirmed that the Speaker will look for guidance and direction from the House, and will be reluctant to act unilaterally.

---

(20) Courtney (1978), p. 38.









 **ACCO USA**  
WHEELING, ILLINOIS 60090

# 25079

MADE IN THE U.S.A.

50505 25079

ULTIMATE RED/ROUGE EX/ROUGE EIE



